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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,408	01/21/2004	Daniel L. Gysling	CC-0701	4894
7590	05/16/2005		EXAMINER	
Robert D. Crawford CiDRA Corporation 50 Barnes Park North Wallingford, CT 06492			ASSOUAD, PATRICK J	
			ART UNIT	PAPER NUMBER
			2857	

DATE MAILED: 05/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/762,408

Applicant(s)

GYSLING ET AL.

Examiner

Patrick J. Assouad

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25-32 and 34-40 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 1-24 and 33 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." See for example, pgs. 19, 30, 32, etc. Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered. Applicant is also reminded of his duty to disclose under 37 CFR 1.56, 1.97, and 1.98. See the numerous co-pending related applications and issued patents cited on form PTO-892, and again, please note, that unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Specification***

2. The disclosure is objected to because it contains an embedded hyperlink (see for example, pg. 2, line 13) and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

3. Claim 2 is objected to because of the following informalities: it is missing a period. Appropriate correction is required.

4. The disclosure is objected to because of the following informalities: the current status of all of the cited US patent applications should be indicated; i.e. patented, pending, etc. A thorough check of the entire Specification and appropriate correction is required. See for example pgs. 19, 30, 32, etc.

### ***Claim Objections***

5. Claim 1 and by dependence, claims 2-24, are objected to because of the following informalities: "dispose" in line 9 of claim 1 should probably be ~~disposed~~. Appropriate correction is required.

6. Claims 5 and 12, and by dependence, claims 6-8, 10, and 13, are objected to because of the following informalities: "the mixture" lacks direct antecedent basis. Appropriate correction is required.

7. Claim 10 is objected to because of the following informalities: "logic determines" should probably be ~~logic which determines~~. Appropriate correction is required.

8. Claim 13 is objected to because of the following informalities: "the measured wavelength of the acoustic waves being measured" lacks direct antecedent basis. Appropriate correction is required.

9. Claim 15 is objected to because of the following informalities: "said first and second pressure signals" lacks direct antecedent basis. Appropriate correction is required.

10. Claim 19 is objected to because of the following informalities: "the pressure sensors" lacks direct antecedent basis. Appropriate correction is required.

11. Claims 21-23 are objected to because of the following informalities: "the mixture" lacks direct antecedent basis. Appropriate correction is required.

12. Claim 33 is objected to because of the following informalities: "includes is a" should probably be – includes a—. Appropriate correction is required.

***Allowable Subject Matter***

13. Claims 1-40 are allowable over the prior art of record. The closest prior art of record are the many patents or published patent applications cited on the attached PTO-892 which involve one or more common inventors to the instant claimed invention. The prior art of record, however, does not suggest or disclose the claimed combination of apparatus elements, most notably, as per independent claim 1, "...each sensor including at least two sensing elements dispose[d] circumferentially at said corresponding axial location..." and as per independent claim 25, "...responsive to radial expansion and contraction of the pipe caused by internal pressure changes of a

Art Unit: 2857

medium flowing therein, for providing a sensor signal containing information about the radial expansion and contraction of the pipe...”

### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See the attached PTO-892.

15. This application is in condition for allowance except for the following formal matters:

See above.


Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick J. Assouad whose telephone number is 571-272-2210. The examiner can normally be reached on Tuesday-Friday, 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 571-272-2216. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Patrick J Assouad  
Primary Examiner  
Art Unit 2857

pja